

BALTIMORE SUN
25 OCTOBER 1975

Mitchell contradicts Helms on mail

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Washington—John N. Mitchell, attorney general in the Nixon administration, denied yesterday any knowledge of illegal mail-openings conducted either by the Central Intelligence Agency or the FBI.

Appearing once again as a witness in the chandelied caucus room of the Old Senate Office Building—site of the Senate's Watergate hearings—and still puffing on his pipe, Mitchell told the Senate Select Committee on Intelligence Activities that his recollection of a 22-minute meeting he had in 1971 with Richard M. Helms, former CIA director, was such that he felt Mr. Helms had told him only about "mail covers," not mail openings.

A "mail cover" involves the examination of the outside of envelopes and the recording of the names and addresses of senders and recipients. It is legal, whereas the opening of first-class mail, which the CIA did for 20 years and the FBI for 25 years, is specifically prohibited by statute.

Mitchell's testimony contradicted statements Mr. Helms made Wednesday, when he told the committee he had briefed the former attorney general on the CIA's mail-opening program in a way that, in Mr. Helms's view, could have left no doubt that letter-opening was involved.

Both men testified as part of a series of hearings the com-



John N. Mitchell appears before Senate committee.

mittee held in an effort to show how an illegal intelligence-gathering program could get started, and then keep going for decades, without corrective action.

In yesterday's closing session, four FBI officials confirmed the existence of an FBI mail-opening project—separate from the CIA's program—that ran from 1940 to 1966.

W. Raymond Wannall, assistant director of the FBI's intelligence division, said that as far as he knew, no attorney general had been told of the mail-opening project as such, though the fact that some mail was being intercepted had been dis-

closed to Justice Department officials.

Donald E. Moore, a now-retired FBI agent, said the term "mail interception," when used in a general way, might not have conveyed the true meaning of the project, namely that letters were actually being opened.

But FBI documents made public by the committee indicate that Nicholas deB. Katzenbach, attorney general in the Johnson administration, knew of FBI mail-openings, at least in bits and pieces.

One such document, a memorandum from Mr. Moore to one of his superiors, referred to

evidence obtained from a "tainted source," and questioned what the FBI would do if a judge in the case were to ask whether a "mail intercept" had been employed.

"Katzenbach was of the opinion that the Department must be candid with the Judge," the memo said.

Another memo, addressed to the late Clyde A. Tolson, former associate director of the FBI, told of Mr. Katzenbach's efforts to prevent a 1965 congressional investigation from probing certain extremely "delicate national security matters."

This memo, dated February 27, 1965, also quoted Mr. Katzenbach as saying that he had talked to then-Vice President Hubert H. Humphrey, about the matter and that Mr. Humphrey had promised to talk to the chairman of the investigating committee, the late Senator Edward V. Long (D., Mo.).

Senator Frank Church (D., Idaho), the committee chairman, said the panel planned to call Mr. Katzenbach to testify on the matter later this fall.

He also said the committee would question anyone else thought to have knowledge of illegal mail-openings.

When asked specifically if this included Mr. Humphrey, now returned to the Senate and a possible Democratic presidential candidate, Mr. Church said that since Mr. Humphrey's name had been mentioned in the FBI document, "I see no reason why we shouldn't inquire of Senator Humphrey."